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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,698

10/07/2005

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EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/552,698	Applicant(s) BRAUN ET AL.	
	Examiner Marina Fishman	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 1 and 2 are pending in the case and are being examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikukawa et al. [US 6,335,502] in view of Bettge et al. [US 5,168,139].

Kikukawa et al. disclose a grounding switch [32] having:

- a moveable contact piece [36] which passes through an electrically conductive encapsulating housing wall [1, 100, 39, Figures 1-3, 6, Column 5, lines 14-15, Column 8 lines 65-66], such that it is sealed by means of a sealing element [38];
- the moveable contact piece [36] being electrically conductively connected to the encapsulating housing wall [39] via the sealing element in the form of a bellows [40] and being guided in a journal bearing supported on the encapsulating housing.

Kikukawa et al. disclose the moveable contact piece [36] driven by an operating rod connected to element [35]. Kikukawa et al. disclose the instant claimed invention

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except for details of a journal bearing supported on the encapsulating housing. Bettge et al. disclose a switch having a moveable contact piece [5] being guided in a journal bearing [8] supported on the encapsulating housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use electrically insulating handle for operating the grounding switch and provide a journal bearing in Kikukawa, as suggested by Bettge et al., in order to support the movable contact [Column 2, line 59].

Response to Arguments

3. Applicant's arguments filed 1/17/07 have been fully considered but they are not persuasive.

The Applicant has argued that "neither Kikukawa nor Bettge disclose insulating handle, nor has the Examiner cited either reference as doing so. Instead, the Examiner impermissibly relies on his own assertion that the use of such a handle would be obvious." It is noted that the Applicant's figure only shows an operating rod 12 connected to contact 3, and identifies that as a handle and the Claim 1 recites "the moveable contact piece is **configured to be driven** by mean of an electrically insulating handle" which means that the insulating handle is **somehow** connected to the moveable contact piece; perhaps the Applicant does not show connection between the handle, the operating rod and the contact, because it is well known in the art. Providing a handle to the extension of operating rod is well known in the industry. The Examiner has cited Soboul et al. [US 4,736,079] and de Calvino y Teijeiro [US 4,486,635], both disclose insulating rod connected to a moveable contact and Sobul et al. also disclose a

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handle [48] connected to insulating rod [54]. In case of de Calvino y Teijeiro, the insulating rod 76 is connected to mechanism [72, 68, 66] and handle is connected to the shaft 66 [see column 4, lines 15-20].

In addition, the Applicant has argued, that the Kikukawa reference does not teach that the bellows 49 is a sealing element. The Examiner respectfully disagrees. The Claim does not particularly recite any structure associated with the 'sealing element' and since bellow as used for sealing the external environment from the interior, the bellows, functions as 'sealing element' and meets the claim limitation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marina Fishman
February 26, 2007


Tu Ba Hoang
Primary Examiner